GOVERNMENT OF INDIA
PANCHAYATI RAJ
LOK SABHA

UNSTARRED QUESTION NO:1642
ANSWERED ON:30.07.2015
Review of 73rd and 74th (Amendments) Act
Mishra Shri Anoop

Will the Minister of PANCHAYATI RAJ be pleased to state:

(a) whether the Government has reviewed/proposes to review the 73rd and 74th (Amendments) Act of the Constitution;
(b) if so, the details thereof and the reasons therefor;
(c) whether the Government proposes to implement some centrally sponsored schemes directly through the Panchayati Raj Institutions; and
(d) if so, the State-wise details thereof including Madhya Pradesh?

Answer

MINISTER OF STATE FOR PANCHAYATI RAJ
(SHRI NIHAL CHAND)

(a) & (b): A Bill to amend the Article 243D of the Constitution to enhance the reservation of seats and offices of chairpersons for women in the Panchayats from one third to one half (One Hindered and Tenth Amendment) Bill, 2009 was introduced in the Lok Sabha on 26.11.2009, to further strengthen the participation of women in Panchayats. But the Bill could not be taken up in the Lok Sabha and lapsed on the dissolution of the Lok Sabha in May 2014. The Ministry of Panchayati Raj reviews the functioning of Panchayats through studies and review meetings. States are ranked every year on the extent of powers devolved to Panchayats through an independent study.
The Ministry of Urban Development undertook a study regarding 'Impact of the Constitution (74th Amendment) Act on the Working of Urban Local Bodies' through the National Institute of Urban Affairs, New Delhi and other institutions. The report of the study was submitted in November, 2005. The major findings of the study are listed below:
(i) Uttar Pradesh has the highest number of ULBs, i.e., 628, followed by West Bengal (126), Bihar (122), and Orissa (103). In the state of Tripura, the total number of ULBs is the lowest, i.e., 13. Municipal corporations exist in all states except in Manipur and Tripura.

(ii) Men and women belonging to the SC, ST, and BC category as well as women from the general category have been affiliated to the ULBs in order to create a representative government at the local level.

(iii) In the states of Assam, Bihar, Jharkhand, Uttaranchal and Uttar Pradesh, seats have also been reserved for the backward classes.

(iv) In the Corporations of Bihar and West Bengal, Mayor is elected from amongst the councillors. In Jharkhand, Uttaranchal, and Uttar Pradesh, the Mayor is chosen by direct election. Similarly, in municipal councils of Assam, Bihar, Manipur, Sikkim, Tripura and West Bengal, the chairman is elected from amongst the councillors. The chairman is chosen by direct election in Uttaranchal and Uttar Pradesh. Councillors in the two types of ULBs are chosen by direct election.

(v) A review of relevant sections pertaining to the duties of Municipal Corporations and Municipal Councils given in the Municipal Acts of states under study shows that the 18 functions given in the twelfth schedule have been included in the list of duties of ULBs.
(vi) In response to the 74th Amendment Act provisions, SFCs have been constituted in all states under study except the three north-eastern states of Meghalaya, Mizoram and Nagaland, which are exempt from Part IX of the Constitution.

(c) No, Sir.

(d) Does not arise.